

Presentment Date: February 2, 2023

Objection Deadline: February 1, 2023 at 4:00 p.m. (AST)

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, ERS and HTA.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE FIVE
HUNDRED TWENTY-EIGHTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO, THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO AND THE
PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY TO
DEFICIENT ADR CLAIMS (ECF NO. 22260)**

PLEASE TAKE NOTICE that, on January 25, 2023, the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Highways and Transportation

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Authority (“HTA,” and together with the Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit this *Notice of Presentment of Proposed Order Granting the Five Hundred Twenty-Eighth Omnibus Objection (Substantive) of Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico and the Puerto Rico Highways and Transportation Authority to Deficient ADR Claims* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on September 16, 2022, the Debtors, by and through the Oversight Board, filed the *Five Hundred Twenty-Eighth Omnibus Objection (Substantive) of Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico and the Puerto Rico Highways and Transportation Authority to Deficient ADR Claims* [ECF No. 22260] (the “Five Hundred Twenty-Eighth Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that, the Five Hundred Twenty-Eighth Omnibus Objection was scheduled for hearing on November 2, 2022.

PLEASE TAKE FURTHER NOTICE that, any party against whom the Five Hundred Twenty-Eighth Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Five Hundred Twenty-Eighth Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico (the “Court”) by 4:00 p.m. (Atlantic Standard Time) on October 17, 2022 (the “Response Deadline”).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Five Hundred Twenty-Eighth Omnibus Objection, if no responses were filed by the Response Deadline, the Five Hundred Twenty-Eighth Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to the Five Hundred Twenty-Eighth Omnibus Objection, [ECF No. 22260-4, at 3].

PLEASE TAKE FURTHER NOTICE that, according to this Court’s *Sixteenth Amended Case Management Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Court may enter an order granting request for relief without a hearing upon receipt of a certificate of no objection (“CNO”, as defined by the Case Management Procedures). *See* Case Management Procedures, Section III, paragraph P.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Case Management Procedures, the undersigned hereby certifies that this Notice is filed not less than forty-eight (48) hours after the expiration of the Response Deadline.

PLEASE TAKE FURTHER NOTICE that, pursuant to notices of withdrawal, the Commonwealth withdrew the Five Hundred Twenty-Eighth Omnibus Objection solely as to Proof of Claim Nos. 11316; 9663; 11316; 49384; 116945; and 122090 (collectively, the “Withdrawn Claims”). *See* ECF Nos. 22754 and 23036.

PLEASE TAKE FURTHER NOTICE that, the undersigned hereby certifies that counsel for the Oversight Board has reviewed, not less than forty-eight (48) hours after expiration of the Response Deadline, (i) the docket in the above-captioned case, (ii) mailings received by Kroll Restructuring Administration, LLC (“Kroll”), (iii) mailings received by the Oversight Board, and (iv) mailings received by counsel for the Official Committee of Unsecured Creditors of the

Commonwealth of Puerto Rico and forwarded to counsel for the Oversight Board and, to the best of the undersigned's knowledge, no applicable objection, responsive pleading, or request for a hearing with respect to the Five Hundred Twenty-Eighth Omnibus Objection, except as it may related to the Withdrawn Claims, has been submitted.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit A**, the Commonwealth hereby submits a revised Exhibit A to the Five Hundred Twenty-Eighth Omnibus Objection removing the Withdrawn Claims.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit B** is a proposed order (the "**Proposed Order**") granting the relief requested in the Five Hundred Twenty-Eighth Omnibus Objection.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Case Management Procedures, "the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date," and accordingly, unless a written objection to the Proposed Order is filed with the Court **by 4:00 p.m. (Atlantic Standard Time) on February 1, 2023**, the relief requested in the Five Hundred Twenty-Eighth Omnibus Objection shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that, copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court's website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

Dated: January 25, 2023
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock

Brian S. Rosen

(Admitted *Pro Hac Vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

Email: mbienenstock@proskauer.com

brosen@proskauer.com

/s/ Ricardo Burgos Vargas

Ricardo Burgos Vargas

USDC núm. 218210

A&S LEGAL STUDIO, PSC

434 Ave. Hostos

San Juan, PR 00918

Tel.: (787) 751-6764

Fax: (787) 763-8260

*Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative of the Commonwealth, ERS and
HTA*